

MacCONAGHY & BARNIER, PLC
JOHN H. MacCONAGHY, State Bar No. 83684
JEAN BARNIER, State Bar No. 231683
645 First St. West, Suite D
Sonoma, California 95476
Telephone: (707) 935-3205
Facsimile: (707) 935-7051
Email: macclaw@macbarlaw.com

Attorneys for Debtor
INDUSTRY WEST COMMERCE CENTER

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:)	Case No. 10-10088
)	(Chapter 11)
INDUSTRY WEST COMMERCE)	
CENTER, LLC,)	ORDER CONFIRMING
A California limited liability company)	DEBTOR'S PLAN OF
)	REORGANIZATION
Debtor.)	

The Plan of Reorganization filed by the Debtor Industry West Commerce Center, LLC on February 18, 2010, as modified, came on for final Confirmation Hearing on June 3, 2010, and August 5, 2010. MacConaghy & Barnier, PLC by John H. MacConaghy appeared for the Debtor; other appearances were noted on the record at the respective hearings.

At the hearing on June 3, 2010, various parties presented evidence as to whether the Plan of Reorganization and the Debtor had complied with the requirements of 11 USC § 1129(a) and whether the Plan was fair and equitable as to all rejecting classes of creditors. Following that hearing, the Court issued its initial "Memorandum on Plan Confirmation", concluding that the Plan was not fair and equitable as to the secured claim of the Class 2 Creditor Todd JBRE, LLC, and reserving determination of other issues. The Debtor thereafter filed its Modified Plan of Reorganization, dated July 21, 2010, amending the treatment of the Class 2 Creditor. The Class 2 Creditor thereafter accepted the Plan, as modified. A further hearing was held on August 5, 2010, as to the ongoing objection to confirmation of the Class 1 Creditor Central Pacific Bank.

1 Following consideration of the evidence and the oral and written arguments of counsel, the
2 Court issued its "Memorandum on Confirmation of Amended Plan" pursuant to Bankruptcy Rule
3 7052, specifying the terms under which the Plan would be confirmed. Thereafter a further Debtor's
4 Modified Plan of Reorganization, dated August 16, 2010, incorporating the modifications specified
5 in the "Memorandum on Confirmation of Amended Plan" was filed with the Court.

6 On consideration of the record of the case and the oral and written argument of counsel, the
7 Court finds and concludes that the Debtor has proposed the Plan, as Modified, in good faith and in
8 not by any means forbidden by law, that all required solicitation materials for the Plan have been
9 duly transmitted to all appropriate parties in interest, and that the Plan, as Modified, otherwise
10 complies with the provisions of 11 USC § 1129 and other applicable provisions of the Bankruptcy
11 Code. Good cause appearing:

12 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

- 13 1. The Debtor's Modified Plan of Reorganization, dated August 16, 2010, is confirmed;
- 14 2. The modifications to the Plan of Reorganization which are incorporated in Modified
15 Plan of Reorganization, dated August 16, 2010 are deemed to be nonmaterial and/or
16 favorable to all Classes of Creditors, and no new solicitation of
17 Ballots by the Debtor of the Modified Plan of Reorganization is required;
- 18 3. All other objections to confirmation are overruled.

19
20 Dated: August 20, 2010

21
22 
23 Alan Jaroslawsky
24 United States Bankruptcy Judge
25
26
27
28